



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Frank O'Bannon  
Governor

Lori F. Kaplan  
Commissioner

August 21, 2003

100 North Senate Avenue  
P. O. Box 6015  
Indianapolis, Indiana 46206-6015  
(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

TO: Interested Parties / Applicant

RE: Phelps Dodge Magnet Wire Company  
003-16302-00013  
Chief, Permits Branch  
Office of Air Quality

## Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5 (f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective three (3) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within (18) eighteen days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure

112J DET.wpd 10/22/02



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Mr. Terence Stimmel  
Phelps Dodge Magnet Wire Company  
4300 New Haven Avenue  
Fort Wayne, IN 46803

Re: Response to Review Request No. 16302:  
Section 112(j) Applicability Determination  
Plant ID: 003-00013

Dear Mr. Stimmel:

Phelps Dodge Magnet Wire Company, located at 4300 New Haven Avenue in Fort Wayne, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 15, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Phelps Dodge Magnet Wire Company is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the following source categories:

- Industrial, Commercial, and Institutional Boilers and Process Heaters; and
- Reciprocating Internal Combustion Engines (RICE).

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline.

## MAJOR SOURCE DETERMINATION

The information submitted indicates that Phelps Dodge Magnet Wire Company is a major source of HAPs. The issued Title V permit for Phelps Dodge Magnet Wire Company, T003-6925-00013, issued on October 10, 2002) also indicates that the source is a major source of HAPs. Since Phelps Dodge Magnet Wire Company is a major source of HAPs, IDEM, OAQ evaluated the source categories for which Phelps Dodge Magnet Wire Company requested an applicability determination.

## SOURCE CATEGORY DETERMINATION

### **1. Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP**

IDEM, OAQ used the following information to determine if the natural gas-fired boilers, designated Boiler 1 and Boiler 2, belong to the affected source category, Industrial, Commercial, and Institutional Boilers and Process Heaters:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Phelps Dodge Magnet Wire Company;
- The federal rule proposal from the January 13, 2003 Federal Register; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

There is no final MACT Standard for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category at this time. The proposed rule for this source category was published in the *Federal Register* on January 13, 2003. Section 63.7490(b) of the proposed rule defines the affected source to which the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT will apply as “each industrial, commercial, or institutional boiler or process heater, as defined in [40 CFR] 63.7485...”. The definition of “industrial, commercial, or institutional boiler” provided in 40 CFR 63.7485(a) is: “...an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water.” Boiler 1 and Boiler 2 are natural gas-fired industrial boilers, each rated at 7.54 million British thermal units per hour (mmBtu/hr). There are specific exclusions for boilers fired by certain types of fuels; however, natural gas is not included in those exclusions. There are no specific exclusions or exemptions regarding the size of the industrial boiler, except that there are different subcategories with different standards for smaller boilers. Therefore, it may be reasonably determined that Boilers 1 and 2 will be regulated by the Industrial, Commercial, and Institutional Boilers and Process Heaters MACT.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that Boiler 1 and Boiler 2 at Phelps Dodge Magnet Wire Company belong to the affected source category, Industrial, Commercial, and Institutional Boilers and Process Heaters. If Phelps Dodge Magnet Wire Company continues to meet the applicability criteria of 40 CFR 63.50 at the time of the Part 2 MACT Application deadline for this source category, Phelps Dodge Magnet Wire Company shall submit a Part 2 MACT Application in accordance with 40 CFR 63.52(e)(2)(i) and 40 CFR 63.53(b), postmarked no later than the Part 2 MACT Application deadline. The first Part 2 MACT Application deadline for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category is April 28, 2004. The most current information regarding Section 112(j), including the promulgation schedule for the remaining MACT standards, is available on the OAQ 112(j) web page at <http://www.in.gov/idem/air/permits/112j>. For the most current information regarding this source category, refer to U.S. EPA's Air Toxics Website for the Industrial, Commercial, and Institutional Boilers and Process Heaters source category at <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>. When appropriate, IDEM, OAQ intends to reopen and revise your Title V operating permit, T003-6925-00013, to include all applicable MACT requirements.

## **2. Reciprocating Internal Combustion Engines (RICE) NESHP**

IDEM, OAQ used the following information to determine if the 395 horsepower (HP), natural gas-fired, Cummins emergency generator belongs to the affected source category, Reciprocating Internal Combustion Engines (RICE):

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Phelps Dodge Magnet Wire Company;
- The federal rule proposal from the December 19, 2002 *Federal Register*; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/rice/ricepg.html>.

There is no final MACT Standard for the RICE source category at this time. The proposed standard for the RICE source category was published in the December 19, 2002 *Federal Register*. Section 63.6590(a) of the proposed rule defines the affected source to which the RICE MACT will apply as “any existing, new, or reconstructed stationary RICE located at a major source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.” Several criteria for exceptions for units that are included in the definition of affected source but that will not be subject to any of the requirements of the RICE MACT or the General Provisions at 40 CFR Part 63, Subpart A are listed in 40 CFR 63.6590(b) of the proposed rule, including a stationary RICE with a manufacturer's nameplate reading of less than or equal to 500 brake horsepower. Since the emergency generator at Phelps Dodge Magnet Wire is an existing engine that is less than 500 HP, it can be reasonably determined that the RICE MACT will not apply to the emergency generator.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that the 395 HP natural gas-fired, Cummins emergency generator at Phelps Dodge

Magnet Wire Company does not belong to the affected source category, Reciprocating Internal Combustion Engines. Phelps Dodge Magnet Wire Company will not be required to submit a Part 2 MACT Application in accordance with 40 CFR 63.53(b) for this affected source category. If Phelps Dodge Magnet Wire Company is subject to Section 112(j) for any other source categories, Phelps Dodge Magnet Wire Company shall submit a Part 2 MACT Application for those source categories.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by Phelps Dodge Magnet Wire Company, IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, Phelps Dodge Magnet Wire Company shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Rebecca Mason, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027, and ask for Rebecca Mason at extension 3-9664, or dial (317) 233-9664.

Sincerely,

Original signed by  
Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

RM

CC: File – Allen County  
Allen County Health Department  
Air Compliance – Jennifer Dorn  
Administration Section  
U.S. EPA Region V – Genevieve Damico

Ms. Theresa A. Murden-Myers  
Phelps Dodge Magnet Wire Company  
4300 New Haven Avenue  
Fort Wayne, IN 46803